

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71065 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- BHAWANIPUR District- Purnia

Rahul Kumar Son of Kaushal Kishore Thakur Resident of Village -
Raghunathpur, P.S. Bhawanipur District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bhawanipur P.S. Case No. 184 of 2023, registered on 24.07.2023 for the alleged offences under Sections 143, 147, 149, 188, 341, 323, 325, 333, 307, 427, 379, 504, 506 of the Indian Penal Code and Section 3/4 of Bihar Medical Service Institution and Person Protection Act, 2011.

3. As per prosecution case, a lady was brought for delivery in a Community Health Centre from where she was referred to GMCH, Purnea. The relatives moved the lady from that Community Health Centre but later on, brought her dead body to that Community Health Centre and thereafter, the petitioner and other co-accused persons named in the FIR along



with 70-80 unknown person assembled at that Community Health Centre and damaged the property and assaulted the informant doctor causing a number of injuries on his head and snatched gold chain and took away Rs.2,500/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not related to the deceased and there was no occasion for him to commit any arson or assault the doctor. The petitioner is named in the FIR along with parentage and his address which shows the petitioner has been purposely implicated in this case. Bhawanipur P.S. Case No. 185 of 2023 was registered under Sections 166B, 304A/34 of the Indian Penal Code against the doctor and two ANM staff by the father of the deceased and in retaliation the present has been lodged. Moreover, the injuries suffered by the informant is merely abrasion and haematoma and the same appear to be simple in nature since there is nothing on record to show otherwise. The petitioner has got no criminal antecedent. The petitioner is in custody since 25.07.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the petitioner



and other co-accused persons were members of a mob and they damaged the government property and made an attempt on the life of the informant-doctor.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet and also absence of any substantive material regarding the injuries of the doctor-informant, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Bhawanipur P.S. Case No. 184 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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